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Deposited: July 15, 2004

*Susan C. Strickland*  
Susan C. Strickland

Attorney Docket No.: 01055



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Cristillo et al.

Group: 1645

Serial No.: 10/814,689

Examiner: Unassigned

Filing Date: March 31, 2004

Customer No.: 35467

For: MUTANT VIRAL NUCLEIC ACIDS AND VACCINE CONTAINING SAME

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**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Sir:

Further to the Notice to File Corrected Application Papers mailed May 28, 2004 in connection with the above-identified application, Applicants respectfully submit the following:

- (1) a copy of the Notice to File Corrected Application Papers; and
- (2) a Preliminary Amendment with replacement drawings (forty-eight (48) figures on thirteen (13) sheets).

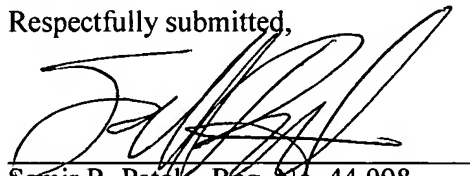
In the replacement drawings, Applicants have renumbered Figure 2A as Figures 2A1-2A12; Figure 2B as Figures 2B1- 2B12; Figure 2C as Figures 2C1-2C4; Figure 2D as Figures 2D1-2D4; Figure 3A as Figures 3A1-3A6; and Figure 3B as Figures 3B1-3B6. Applicants have submitted the Preliminary Amendment to delete the original

drawings and insert therefor the replacement drawings as well as to amend the specification to reflect the numbering of the figures in the replacement drawings. No new matter has been added in the replacement drawings.

If any fee is due with this submission, Applicants hereby authorize the Commissioner to charge such fee to Deposit Account No. 50-0364.

With the filing of these documents, it is submitted that the application is now complete and in form for examination. Accordingly, such examination and favorable action are earnestly solicited.

Respectfully submitted,



Samir R. Patel – Reg. No. 44,998  
Patent Counsel

July 15, 2004  
Tel. No. (919) 620-2914

bioMerieux, Inc.  
Patent Department  
100 Rodolphe Street  
Durham, NC 27703

Enclosures:

Copy of Notice to File Corrected Application Papers  
Replacement Drawings

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Susan C Strickland  
Susan C. Strickland

Attorney Docket No.: 01055

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Cristillo et al Group: 1645  
Serial No.: 10/814,689 Examiner Unassigned  
Filing Date: March 31, 2004 Customer No.: 35467  
For: MUTANT VIRAL NUCLEIC ACIDS AND VACCINE CONTAINING SAME

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Alexandria, VA 22313-1450

**TRANSMITTAL**

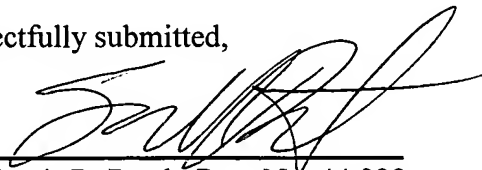
Sir:

Applicants respectfully submit the following for filing in the above-referenced application:

- (1) Preliminary Amendment
- (2) Response to Notice to File Corrected Application Papers
- (3) Copy of Notice to File Corrected Application Papers
- (4) Replacement Drawings

If any fee is due with this submission, please charge it to Deposit Account No. 50-0364.

Respectfully submitted,

By:   
Samir R. Patel— Reg. No. 44,998  
Patent Counsel

July 15, 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/814,689	03/31/2004	Anthony D. Cristillo	01055

CONFIRMATION NO. 8605

## FORMALITIES LETTER



\*OC000000012805557\*

Samir R. Patel, Esq.  
 bioMerieux, Inc.  
 Patent Department  
 100 Rodolphe Street  
 Durham, NC 27712

Date Mailed: 05/28/2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 2A-D.

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE